



News and Information

Alabama Board of Licensure for Professional Engineers & Land Surveyors

September 2006

The Board's Bulletin

From the Board Chair -

Charles D. Haynes, P.E.

In reflecting on my 30 + years of being a licensed professional engineer, I can say that I have seen improvements in the engineering and land surveying professions and also areas for concern. The Board continually works diligently to ensure that the Licensure Law and Administrative Code keep up with the changes in the professions while ensuring the protection of the public.



The requirements for engineering licensure have progressed from having no college degree to only recognizing those who have a 4-year engineering degree. Land surveying licensure is following suit. The deadline is fast approaching when applicants for land surveying licensure will need to have completed a 4-year surveying or science degree.

The continuing education requirement was mandated by the legislature almost 15 years ago. When the Board implemented the requirement, it was intentionally left generic to allow the licensees to select those courses that were applicable to their practice. The Board has been looking at the existing requirement to determine if changes are necessary. Meetings were held throughout the state to get your inputs. One thing is for sure — everyone has an opinion and few agree on what the requirements should be. The responses to the survey were overwhelming and the Board took its time to digest all the comments that have been received. A recap on the observations of the survey is included later in this newsletter.

The world is becoming smaller through the increase in electronic communications. With this comes problems. The concept of direct supervision has changed. We are seeing an increase in enforcement cases that involve the lack of supervision and plan stamping. Companies are openly brokering professional services via the Internet. Major engineering projects are being sent offshore with no supervision of the work.

As a licensed professional you assume full responsibility for the work when your seal and signature are affixed to that project. While some see a trend towards allowing distant supervision, that is not the case with the Alabama Board as can be seen by proposed changes to the Administrative Code.

Many of the articles in this newsletter highlight various aspects of professionalism or the lack thereof. I encourage you to reflect on your practice to see if you are portraying the characteristics of a true professional.

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PAST CHAIR'S REPORT - Lynn C. Doyle, P.E.

It has been my pleasure to serve as the Licensure Board's Chairman for the second time since being appointed to the board nine years ago. This year has been very busy for each board member and the board's staff. All five board members and two board staff members have served on NCEES committees or as a Southern Zone NCEES officer.

I served on the Licensure Qualification Oversight Group, LQOG. This committee's function was to look to the future and help move the licensure process to relevancy with future time. LQOG recommended a change to the definition of the NCEES model licensed engineer. LQOG recommended and NCEES voted at the annual meeting in August to change and add the following provision no sooner than 2010 to the definition of the model licensed engineer.

"Graduation with a Bachelor of Science degree from an engineering program of four years or more accredited by EAC/ABET, or equivalent, plus 30 additional credits from an approved course provider(s) in upper-level undergraduate or graduate-level coursework in professional practice and/or technical topic areas."

The model licensed land surveyor in Alabama and several other states will require a college degree in surveying or related coursework after December 31, 2007. Incorporating this new definition of the model licensed engineer into law will require a "change" of the mindset of many of our licensed engineers. The land surveyors have already experienced the "change". I recommend and urge you to embrace these changes.

Why recommend these changes? A publication published by the National Academy of Engineering, "The Engineer of 2020: Visions of Engineering in the New Century" states that the challenge of providing education will only become more daunting as the information on new science and technology continues to explode and new and totally unanticipated technologies emerge in the future. The publication also states "Scientific and engineering knowledge is doubling every 10 years". Engineers and surveyors have seen some of this technology explosion over the past few decades, and it is accelerating. The engineering and surveying profession needs to recognize and embrace "changes" that will be required of all of us in the future.

LQOG also recommended to NCEES a major change in the engineer licensure model. A recommendation was made to incorporate another level of engineer in the model for the engineer who graduated with an engineering degree, passed the fundamentals examination and gained four-years of experience. This concept was referred to an NCEES study committee, and we will be hearing more about this in the future. The engineer will be one who does not practice directly to the public, but desires to subscribe to the engineer's code of ethics and licensure rules. I believe that this new proposed level of engineer in the model is appropriate and should be supported by our licensees in the future.

Personnel Announcements

BOARD MEMBERS

Mr. Preston L. Jackson, P.E., was reappointed to the Board to serve a term from December 5, 2005 to April 22, 2009. A very active member of the Board, Mr. Jackson has served as Secretary, Vice Chair, and Chair of the Board. He also has been active in NCEES, serving as the Southern Zone Treasurer and Secretary and is currently serving on the NCEES Finance Committee.

Mr. Aloysius (Al) I. Reisz, P.E., was appointed to the Board replacing Dr. Thomas F. Talbot, P.E. Mr. Reisz's term is from December 5, 2005 to April 22, 2010. Mr. Reisz has extensive background in mechanical and aerospace engineering. He is currently involved with the development of an improved plasma propulsion rocket for NASA deep space missions.

STAFF Changes

Daniel Robinson has recently joined the office staff. Daniel is a licensed professional land surveyor who will be working as the board's second investigator. Daniel will be an added dimension to the investigative process.

Denise Hooper has returned from retirement to help with the administrative functions. She currently is handling the FE applications and will be soon heading up the office scanning efforts.





Continuing Education Survey Recap

As was mentioned in Dr. Haynes' comments there was a large number of responses to the continuing education survey and many

more were presented at the forums that were held throughout the state. We would like to thank all those who took the time to complete the survey and to attend the board forums. Below is a recap of the survey results plus the board's decisions based on the results of the survey.

Questions:

Should each licensee be required to take an ethics course?
63% Yes 37 % No

Should each licensee take a course in Alabama Law?
51% Yes 49 % No

Should any course be required to be classroom only?
90% No 10% Yes

Should the number of PDHs available by video or online sources be limited?
72% No 28 % Yes

Should the Board pre-approve PDH course providers?
67% No 23% Yes

Should the Board pre-approve PDH courses for all licensees?
80% No 20 % Yes

Should the Board pre-approve PDH courses for Surveyors only?
96% No 4 % Yes

Should the Board pre-approve PDH courses for Engineers only?
96% No 4% Yes

Board Decisions:

Based on the results of the survey, the Board elected not to make any changes to the existing continuing education

requirements. The requirement will continue to be 15 professional development hours (PDH) for every year with a maximum of 15 hours carry-over. The Standards of Practice (SOP) requirement for land surveyors remains a 6-hour course once every 4 years.

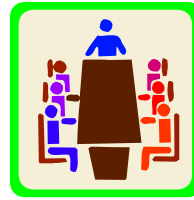
Remembering that the Legislature instituted the requirement for continuing education, the Board will continue to require continuing education. All learned professions require continuing education for career maintenance, so engineers and surveyors will be held to the same standard. All licensees who are in active status will be required to complete continuing education. There will not be any age-related exemptions.

The common theme in the survey was "if it isn't broken then don't try to fix it". The Board does not pre-approve course providers or courses and will continue with that policy. Procedures are in place for questionable courses to be challenged. The requirements for the continuing education requirements follow the guidelines issued by the National Council of Examiners for Engineering and Surveying (NCEES). A major concern from licensees who are licensed in multiple jurisdictions is the difference in requirements from jurisdiction to jurisdiction. The Board will continue to follow the national recommendations and supports the efforts to have the other jurisdictions follow suit. NCEES has begun providing a service to register continuing education providers and to also be one place that licensees can go to see the continuing education requirements by jurisdiction. Please refer to www.rcep.net for additional information.

One change has occurred. If you haven't noticed beginning with the 2006 renewal cycle, licensees were no longer required to list their continuing education (with the exception being the SOP course). It was felt that if out-of-state licensees were not being required to list their continuing education, then in-state licensees should be able to follow the same procedures. To ensure that the continuing education is being completed a greater number of audits will be made henceforth.

Renewal Notices - Renewal notices will be sent the last week in September. If your license is not renewed by December 31st your license goes into lapsed status and you can not offer or perform services until such time as your license is renewed. Based on legislation passed to support child support, it is now a requirement for you to provide your social security number on any application you provide to the board--this includes your renewals. If you do not include your social security number, your renewal cannot be accepted.

Board News



Supreme Court Upholds Constitutionality of Licensure Law --Over the last year there has been a constitutional challenge of the licensure law. Specifically the challenge was over the term “testimony” in the definition of the “practice of engineering”. It was argued that only the courts should have the authority to rule on who can provide testimony. In July the Alabama Supreme Court ruled unanimously that the Licensure Law stands as written. Since the ruling the Board has had lengthy discussions with members of the legal profession who has asked for guidance as to what is considered “engineering”. The Board issued a declaratory opinion on August 28th which identifies what the board considers engineering and what is not considered engineering. Unless exempted from licensure, if an individual testifies about engineering, then that individual must be a licensed professional engineer. A copy of the opinion can be found on the board’s web site, www.bels.alabama.gov. It is anticipated that there will be other opinions issued based on specific cases. As opinions are issued, they will also be available on the web site.
Note: Similar language is in the “practice of land surveying” definition, but the court case only was in reference to the “practice of engineering.”

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Proposed Administrative Code Changes - The Board is in the process of updating the Administrative Code. Proposed changes have been advertised and the Board will make their final decisions at their October Board meeting. The proposed changes can be found on the Board’s web page. The changes include:

- * A substantial portion of land surveying experience must include work in property conveyance and/or boundary line determination
- * Deletion of the functional breakout list for engineering and surveying--It was felt that the definitions of engineering and land surveying contained in the Licensure Law and Administrative Code are sufficient.
- *Complaints must be filed within two years of date of the violation or from the date the violation is found. There will be a 10-year time limit.
- *Fees that had been set by motion will now be an appendix to the Administrative Code
- *The requirements for sealing of documents have been expanded and clarified. Included is further clarification on the sealing of documents that contain multiple pages. Placing one’s seal on documents should only be done if the licensee or someone under the DIRECT supervision of the licensee has done the work. Specific guidance has been provided for when a licensee can seal an out-of-state licensee’s work.

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On-Line Renewals - 2006 was the first year that the board has offered on-line renewals. Only minor problems were experienced and many comments were received. The on-line renewals are processed daily so your pocket cards are in the mail the day after you renew. The 2007 renewals will be available on-line October 1. The Board does not receive the service fee that is charged when you use your credit card. This is the only payment that the state contractor earns. All programming fees are complementary to the Board. The Board staff is working with the contractor and we hope to have the certificate of authorization renewals available on-line November 1st.

Alabama Licensees: Beware the “Trap” in Percolation Tests

Percolation tests, commonly known as “perc tests,” are included in the normal activities of some licensed engineers and land surveyors. Licensed geologists and soil classifiers can also do them as a part of their professional activities. Since perc tests are required for on-site sewage treatment systems, many are performed and the income potential may be tempting to a licensee that plans to use an unlicensed practitioner to actually do them.

The Board has recently levied some stiff fines for licensees sealing perc tests and we believe the problems we are seeing are just the tip of the iceberg. These problems typically deal with a licensee merely signing and sealing a perc test to make it legal but having no detailed knowledge of the test. This licensee has no actual supervision over the perc test and doesn’t know what procedures were used or even where the test was located. This process is forbidden by our Rules and Regulations. Even so, some licensees inform us that “everyone’s doing it” or “this is the way it has been done since.....” These arguments won’t wash with the Board. Read our Regulations and they will plainly state that any work under your license must be conducted under your direct control and supervision. No ifs, ands, or buts. Here’s why:

The Administrative Code of Alabama (Rules and Regulations), 330-X-11-.03 states “The seal, signature, and date of signature on a document signify that the document was prepared by the licensee and under his or her direct control and personal supervision.” Did you meet these requirements for the perc test you have just signed and sealed?

If you want to avoid a fine, possible revocation of your license, and your good name shown in bad print for a lot of people to see, just follow simple, common-sense procedures on perc tests you don’t personally do, such as:

1. Know where the test will be made.
2. Visit the site and plan the procedure with the practitioner.
3. Observe the test procedure and review the results afterward with the practitioner. It would be good if you disagree with the practitioner’s findings once in a while.
4. Keep a detailed record of each test (including notes) you have sealed.
5. Be prepared to defend your involvement in each and every test if challenged.

Also, it would be beneficial to know at least as much as the practitioner if you don’t personally do the perc tests.

And finally, consider these conditions:

1. Who got the job, you or the practitioner?
2. Who did the client pay, you or the practitioner?
3. Who had primary interaction with the client, you or the practitioner?

Hopefully, the above questions can be answered by the word “YOU.” Correctly meeting our Rules and Regulations may not be worth what you receive from merely sealing perc tests. If so, just refer them to licensees willing to professionally supervise the work process.

Time is Approaching - Land Surveying Licensure Eligibility for Non Graduates

The time is approaching when individuals who do not possess a four year college degree will not be eligible for licensure as a professional land surveyor in Alabama. As you recall in 1997 the Licensure Law was changed to require a four year degree. At the same time a close-out date was put on the non graduate category.

What does that mean to you and your employees? As of January 1, 2008 an individual who applies for PLS licensure must have a four year land surveying degree, a four year degree that is deemed related to surveying, or a four year related science degree.

For those individuals who do not have a four year degree, applications must be received in the board office prior to January 1, 2008. You must have the 96 months of required experience prior to filing your application, so that means you must have 96 months of experience in December 2007. The closeout date of January 2008 is ONLY for filing of applications; it doesn’t affect those that have already been approved. If you already have an approved application, that application is good for four examination attempts or 5 years whichever comes first, even if your 5 years is after January 2008. For instance, an application that is approved in October 2007 is good through October 2012 or 4 exam attempts.

If you have any questions regarding the application process, please contact the board office.



Disciplinary Action

The Board office receives and processes complaints regarding engineering and land surveying activities. From October 2003 through June 2006 one hundred and six investigations were conducted. Fifty four of those investigations resulted in administrative actions which are not considered disciplinary actions and are not listed in the below disciplinary actions. Administrative actions include closing unsubstantiated complaints, letters of warning, and cease and desist letters. Below is a recap of the formal disciplinary actions.

Formal Disciplinary Actions

Actions based on felony criminal convictions

Mr. Marvin R. Graves, PLS 12360, Fulton, AL, agreed to a Consent Order based on his criminal conviction that revoked his professional land surveyor's license. He also agreed to cease and desist the practice or offer to practice of land surveying in the State of Alabama until such time as his PLS license is re-issued by this Board. Mr. Graves agreed once he is released from correctional custody, either by the overturn of his criminal conviction or by served sentence and upon restoration of his civil rights he can apply to the Board for the re-issuance of his license to practice land surveying.

Mr. Kelly S. Simison, PE 24110, Satsuma, AL, was found guilty at a formal hearing of receiving a felony criminal conviction for possession of codeine. At the conclusion of the hearing, the Board issued an Order revoking Mr. Simison's engineering license and staying the revocation until such time as his civil rights are restored.

Mr. Patrick C. Blankenship, PE 24346, Decatur, AL, was found guilty at a formal hearing of receiving a felony criminal conviction in the State of Arkansas for impersonating a federal officer in an attempt to avoid being cited for hunting violations. At the conclusion of the hearing, the Board issued an Order revoking Mr. Blankenship's engineering license. The Order further stayed the license revocation until March 9, 2006.

Ethics Violations

Advantage Engineering Services, CA-2434-E, Hoover, AL, agreed to a consent order for presenting a check to the Board for its 2003 certificate of authorization for engineering licensure renewal that was dishonored by the Bank. Advantage Engineering Services agreed to pay a \$100 fine to the Board, a six month stayed suspension of its certificate of authorization to practice engineering and six months probation commencing February 25, 2004.

Mr. Ed Sparkman, PLS 9687, Florence, AL agreed to a consent order for providing false information on his 2004 renewal application. Mr. Sparkman agreed to pay a \$500 fine and his land surveying license was suspended for six months with that suspension being stayed and to serve six months probation commencing June 18, 2004.

Mr. John H. Crigler, PE 13417, Dauphin Island, AL, appealed the Board's Order dated July 25, 2003 to the circuit court of Montgomery Alabama. The case was dismissed for Mr. Crigler's failure to comply with the court's order to provide payment of the

imposed fine to the Board pending outcome of the appeal. The Board reinstated its' Order on July 30, 2004 which suspended his license to practice engineering for two years, required him to serve three years probation beginning the date his license suspension ends and to pay a \$12,500 fine to the Board.

Mr. John H. Crigler, PE 13417, Dauphin Island, AL, agreed to a Consent Order that required the revocation of his Alabama professional engineer's license, that he cease and desist holding himself out as qualified to practice engineering in the State of Alabama, that he cease and desist the practice or offer to practice of engineering in the State of Alabama until such time his license to practice engineering is re-issued by this Board, that he shall not submit to the Board a request for re-issuance of his PE license prior to February 25, 2008. He was also required to notify all persons listed in the Stipulated Facts of the Consent Order, via certified mail, that he provided engineering services to them during the time his license to practice engineering was suspended, and that he forward copies of the letters and the certified mail return receipts to the Board.

Mr. Daniel Headrick, PLS 17015, Cordova, AL, agreed to a Consent Order in reference to failing to provide to the client all agreed upon land surveying services. The Consent Order required Mr. Headrick's professional land surveyor license to be suspended for six months, for him to serve two years probation and to repay the client \$2,000 in ten monthly installments. As a result of Mr. Headrick failing to abide by the terms of the Consent Order, the Board issued an Order on July 30, 2004 revoking his land surveying license.

Mr. Steven H. Gay, PLS 17522, Clanton, AL, failed to comply with an agreed Consent Order when it was found he had continued to practice on a suspended license. Mr. Gay's license to practice land surveying in the State of Alabama was revoked.

Mr. Billy R. Martin, PLS 10559, Sylacauga, AL, agreed to a Consent Order in reference to providing a survey that contained standards of practice violations, not setting the corner markers and allowing an employee to accept money for surveys that were not provided. The terms of the Consent Order required the suspension of Mr. Martin's PLS license for two years and to serve two years probation once his surveying license is re-issued by this Board. Mr. Martin agreed to repay \$2,500 to his client as repayment of the fee he received to provide land surveying services.

Mr. Jon H. Miller, PE 14911, Mounds View, MN, agreed to a Consent Order for presenting a check to the Board for his 2004 license renewal that was dishonored by the Bank and delaying in responding to the Board for 10 months. Mr. Miller agreed to pay

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Disciplinary Action... *(continued from page 6)*

a \$250 fine to the Board, a six month stayed suspension of his license to practice engineering, six months probation.

Mr. Bert A. Hays, PLS 20633, Sheffield, AL, met with the Board at an informal hearing concerning a complaint the Board received that indicated he mistakenly provided a survey of the wrong tract of property and then failed to correct the error. At the conclusion of the hearing the Board determined Mr. Hays should be strongly cautioned to provide his clients with a written scope of the work to avoid any misunderstanding of the services to be performed and should be publicly reprimanded for his failure to respond to the Board's inquiries relative to the complaint.

Competency

Mr. Richard C. Borden, PE/PLS 13402, Gulf Shores, AL, agreed to a consent order for placing his professional seal and signature to four pages of design plans for a mobile home subdivision that contained errors and omissions of the acceptable standards of practice of engineering. Mr. Borden agreed to pay a fine of \$2,500 in ten monthly installments of \$250 beginning January 1, 2005 to the Board, a six month suspension of his license to practice engineering commencing May 1, 2004 and two years probation commencing November 1, 2004.

Continuing Education Audit Actions

Mr. George Jensen, PE 13669, Jackson, SC, agreed to a consent order for providing false information on his 2003 license renewal application. Mr. Jensen agreed to pay a \$500 fine to the Board, a one year suspension of his Alabama engineering license commencing February 25, 2004 and two years probation beginning February 24, 2005.

Mr. John C. Parker, PE 10247, Hixson, TN, agreed to a Consent Order for falsifying his 2003 license renewal application since he had not met the continuing professional competency requirements in his home state. The order required him to pay a \$500 fine to the Board, a one year suspension of his Alabama engineering license, and a one-year probation commencing when the suspension period ends.

Mr. Donald R. Ellison, PE 4221, Williamsburg, KY agreed to a Consent Order for not providing requested documentation relative to continuing education audit in a timely manner. Mr. Ellison agreed to a six month stayed suspension of his license to practice engineering in the State of Alabama and six months probation.

Mr. Donald H. Monroe, PE 7057, Birmingham, AL, agreed to a Consent Order for failing to provide the required documentation on the continuing education audit in a timely manner. The Order required a six month stayed suspension of his engineering license and six months probation.

Mr. Robert S. Green, PE 10416, Monroe, LA, agreed to a Consent Order for failing to obtain the required continuing professional competency credit necessary to renew his Alabama PE license. The Order required the suspension of his Alabama engineering license for one year, to serve one year probation once his license to practice engineering in the State of Alabama is re-issued by the Board and to pay a \$1,000 fine to the Board.

Mr. Jerry R. Smith, PE 12568, Bokeelia, FL, agreed to a Consent Order that required the suspension of his Alabama engineering license until such time as he submits the documents requested by the Board that support his claimed continuing professional competency credits on his State of Alabama 2005 professional engineer license renewal application and that failure to provide the requested documents within six months shall cause his license to practice engineering in the State of Alabama to be revoked.

Practicing Under a Lapsed License/ Certificate of Authorization

Mr. Darryl S. Mohon, PLS 21175, Andalusia, AL, was found guilty at a formal hearing for failing to provide subpoenaed documents to the Board and practicing land surveying in the State of Alabama during the time his license to practice land surveying was in lapsed status. The Board issued an Order that revoked Mr. Mohon's professional land surveyor license.

Mr. David M. Beasley, PE 5693, Robertsedale, AL, was found guilty at a formal hearing for practicing engineering in the State of Alabama during the time his license to practice engineering was lapsed and failing to respond to the Board's requests for information and documentation. At the conclusion of the hearing, the Board issued an Order that revoked Mr. Beasley's professional engineer license.

Mr. Jimmy W. Brasfield, PLS 13404, Dora, AL, was found guilty at a formal hearing for practicing land surveying in the State of Alabama during the time his license to practice land surveying was lapsed and failing to respond to the Board's requests for information and documentation. At the conclusion of the hearing, the Board issued an Order that revoked Mr. Brasfield's professional land surveyor license. The Order further required Mr. Brasfield to cease and desist offering, performing, or otherwise holding himself out as qualified to perform land surveying in the State of Alabama until such time as his license to practice land surveying is re-issued by the Board.

Environmental Resources Management – Southwest, Inc., CA-0880-E, Brentwood, TN, agreed to a Consent Order for offering to practice or practicing engineering during the time its certificate of authorization engineering was lapsed. The Order required them to pay a \$2,000 fine to the Board and to serve one year probation.

Mr. Jackie P. Stewart, PLS 10371, Muscle Shoals, AL, was found guilty at a formal hearing for practicing land surveying in the State of Alabama during the time his firm's "Jackie P. Stewart Surveying Inc." certificate of authorization for land surveying was lapsed and failing to respond to the Board's requests for information and documentation. At the conclusion of the hearing, the Board issued an Order that required Mr. Stewart to pay \$535.66 for costs associated with the investigation and hearing on this matter and to pay a fine of \$1,500 to the Board within thirty days of date of the Order. The Order further required Mr. Stewart's PLS license to be suspended for six months commencing the date of the Order, with that suspension stayed, and Mr. Stewart to serve six months probation commencing the date the stayed suspension ends.

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Disciplinary Action... *(continued from page 7)*

Mr. Glenn N. Gaylor, PLS 20890, Auburn, AL, was found guilty at a formal hearing for practicing land surveying in the State of Alabama during the time his firm's "Fuller Land Surveying LLC" certificate of authorization for land surveying was lapsed and failing to respond to the Board's requests for information and documentation. At the conclusion of the hearing, the Board issued an Order that required Mr. Gaylor to pay \$542.60 for costs associated with the investigation and hearing on this matter and to pay a fine of \$3,000 to the Board within thirty days of date of the Order. The Order further required Mr. Gaylor's PLS license to be suspended for six months commencing the date of the Order, with that suspension stayed, and Mr. Gaylor to serve six months probation commencing the date the stayed suspension ends.

Not In Responsible Charge

Mr. William R. Ward, PE/PLS 9771, Walnut Hill, FL, agreed to a Consent Order that required him to cease and desist the practice of allowing a non-licensee to contact clients and receive payments for engineering or land surveying services, to pay a fine of \$2,500 to the Board, a two year stayed suspension of his license to practice engineering, and two years probation.

Mr. Nathan B. Carter Jr., PE 12889, Meridian, MS, agreed to a Consent Order that he had violated the licensure law relative to a disciplinary action he received in another jurisdiction. The Order required his license to practice engineering in the State of Alabama to be suspended effective October 28, 2005 until July 21, 2006, and one year probation commencing when the suspension period ends.

Mr. Thomas E. Driver, PE 16513, Macon, GA, agreed to a Consent Order that required him to pay a \$1,500 fine to the Board, to serve six months probation, to cease and desist the practice of allowing, either knowingly or inadvertently, a non-licensed employee to identify himself with the title "PE" relative to work performed in Alabama.

Mr. Terry S. Tacon, PLS 13653, Lacey's Spring, AL, was found guilty at a formal hearing for placing his professional license number and signature to applications for a permit to install an onsite sewage disposal system without providing direct supervision or being in responsible charge of the land surveying services provided by Mr. Thomas Smithy, a non-licensed individual. At the conclusion of the hearing, the Board issued an Order that required Mr. Tacon to pay \$2,857.41 for costs associated with the investigation and hearing on this matter and to pay a fine of \$5,620 to the Board within thirty days of date of the Order. The Order further required Mr. Tacon's license to practice land surveying in the State of Alabama to be suspended for two years commencing the date of the Order, with that suspension stayed, and Mr. Tacon to serve two years probation commencing the date the stayed suspension ends.

Unlicensed Practice

Mr. Alan D. Hartzell, non-licensee, dba. Technology Associates, Orange Beach, AL, was found guilty at a formal hearing of providing land surveying services in Gulf Shores, AL, without obtaining a license to practice land surveying. Mr. Hartzell was ordered to cease and desist the offer to practice or practice of land surveying or engineering in the State of Alabama until he

receives a license to practice land surveying and/or engineering from this Board. He was required to pay a civil penalty of \$2,000 to the State of Alabama General Fund and the cost of the court reporter to the Board.

Mr. Gene Mullins, non-licensee, Carrollton, AL, agreed to a consent order for providing two surveys without obtaining a license to practice land surveying. Mr. Mullins agreed to cease and desist the practice of land surveying until he receives a license to practice land surveying from this Board, to pay a \$1000.00 civil penalty to the State of Alabama General Fund, and to pay the Board \$239.32 as administrative cost of this investigation.

Mr. Bruce Land, non-licensee, owner of Surface Engineers Inc., Helena, AL, a non-certificated firm, agreed to a Consent Order that required the removal of the title "Engineers" from his firm's name within one year from the date of Final Order.

Mr. Harry K. Harper, non-licensee, Atmore, AL, agreed to a Consent Order that required him to cease and desist the practice of contacting clients and receiving payments for engineering or land surveying services, to pay a civil penalty of \$500 to the State of Alabama General Fund, and to pay \$346.64 to the Board as administrative cost of this investigation.

Mr. Richard C. Otterberg, non-licensee, Wilmer, AL, agreed to a Consent Order that required him to cease and desist the practice or offer to practice of land surveying in the State of Alabama until such time he receives a license to practice land surveying from this Board, to repay the \$500 he accepted from the Complainant to provide land surveying services, and to pay \$223 to the Board for administrative cost of this investigation.

Mr. Drew L. Dotson, non-licensee, Tuscaloosa, AL, agreed to a Consent Order that required him to cease and desist the practice or offer to practice of engineering in the State of Alabama until such time he receives a license to practice engineering from this Board, to pay a civil penalty of \$4,219.75 to the State of Alabama General Fund, and to pay \$781.25 to the Board for administrative cost of this investigation.

Mr. Robert J. Grafe, non-licensee, Fairhope, AL, agreed to a Consent Order that required him to cease and desist the practice of identifying himself with the P.E. designation, or any modification or derivative thereof which implies or tends to imply he is a licensed professional engineer in the State of Alabama, until such time as he receives a license to practice engineering from this Board. Mr. Grafe further agreed to pay a civil penalty of \$500 to the State of Alabama General Fund, and to pay \$261.17 to the Board for administrative cost of this investigation.

Mr. William Echols, non-licensee, Pell City, AL, agreed to a Consent Order that required him to cease and desist the practice or offer to practice of land surveying in the State of Alabama until such time as he receives a license to practice land surveying from this Board. Mr. Echols further agreed to pay a civil penalty of \$1,000 to the State of Alabama General Fund, and to pay \$634.27 to the Board for administrative cost of this investigation.

Mr. John L. Baker, non-licensee, Rogersville, AL, agreed to a Consent Order that required him to cease and desist the practice or offer to practice of engineering in the State of Alabama until such time as he receives a license to practice engineering and

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Exam Corner



Approved Calculators

The only models of calculators approved by NCEES are permitted in the exam room. No other mother models of calculators or variations of the models listed below are permitted in the exam room. The following are the only calculators that will be permitted in the exam room for the October 2006 exam administrations.

Hewlett Packard - HP 30s
 Hewlett Packard - HP 33s
 Hewlett Packard - HP 9s
 Casio - FX 115 ES, FX 115 MS, and FX 115 MS Plus (note: FX 115 ES and FX 115 MS models ending with an "SR" designation are also allowed)
 Texas Instruments - TI 30XA (or TI 30Xa)
 Texas Instruments - TI 30X IIS and TI 30X IIB
 Texas Instruments - TI 36X Solar

Changes to the Exam Fees

The Board has approved a new fee schedule for exam candidates based on an increase imposed by NCEES. The new fee schedule effective with the April 2007 examinations is:

Fundamentals of Engineering		
1 st Time Taker	\$70	Repeat \$140
Principles and Practice of Engineering \$225		
Fundamentals of Land Surveying		
1 st Time Taker	\$85	Repeat \$145
Principles and Practice of Land Surveying \$225		
Alabama Standards of Surveying Practice \$100		

Examination Results

Exam results are typically received at the board office from NCEES 10-12 weeks following the exam date. We normally have the results in the mail to exam candidates within a week. We will post an announcement on the board's home page when the results have been mailed.



Exam Results will only be reported as pass/fail. No longer will failing scores be released. For those who have failed an NCEES exam, there will be a diagnostic report provided. Use the diagnostics report to determine how you need to concentrate your study for future exams. The report lists the percentages of correctly answered questions in each knowledge area. This is the best guide you will have for determining your strong and weak subject areas.

Examination Changes

Future changes to NCEES Examinations have been announced by NCEES. Please see the NCEES web site, www.ncees.org for the new specifications.

PE Examination in Civil – The Structural Design Standards and the Transportation Design Standards of the Civil PE examinations will change with the October 2006 exam administration.

PE Examination in Structural I– The Structural Design Standards will change with the October 2006 exam administration.

NCEES to add construction module to PE Examination in Civil -- Beginning with the spring 2008 exam administration, the Civil PE will include a construction engineering depth module. The NCEES Construction Engineering Exam Subcommittee is currently creating questions for the new depth module.

2007 Exam and Filing Dates

Examination	Exam Date	Filing Deadline	Examination	Exam Date	Filing Deadline
Fundamentals of Engineering	Apr 22 Oct 27	Jan 15 Jul 1	Princs & Practice of Engineering	Apr 21 Oct 26	Jan 15 Jul 1
Fundamentals of Land Surveying	Apr 22 Oct 27	Jan 15 Jul 1	Princs & Practice of Land Surveying	Apr 21 Oct 26	Jan 15 Jul 1
Alabama Stand., History & Law	Feb Apr 21	Jan 15 Jan 15	Alabama Stand., History & Law	Jul 31 Oct 26	May 31 Jul 1

Disciplinary Action... *(continued from page 8)*

his firm "Crossroads Solutions" obtains a certificate of authorization for engineering from this Board, to pay a civil penalty of \$500 to the State of Alabama General Fund, and to pay \$278.10 to the Board as administrative cost of this investigation.

Mr. James H. Moore, non-licensee, Montgomery, AL, agreed to a Consent Order that required him to cease and desist the practice or offer to practice of land surveying until such time as he receives a license to practice land surveying from this Board, and to refund \$900 to Mr. Sylvester Finklea in nine \$100 monthly installments beginning August 1, 2005.

Mr. Temple A. Ennis, non-licensee, Livingston, AL, agreed to a Consent Order that required him to cease and desist the offer to practice or practice of land surveying until such time as he receives a license to practice land surveying from this Board, a civil penalty of \$8,000 to be paid to the State of Alabama General Fund, and to pay \$661.70 to the Board as administrative cost of this investigation.

Mr. Scott L. Harvey, non-licensee, Roanoke, TX, agreed to a Consent Order that required him to cease and desist the practice of identifying himself with the PE designation, or any modification or derivative thereof that implies or tends to imply that he is a licensed professional engineer in the State of Alabama until such time as he receives a license to practice engineering in the State of Alabama from this Board, to pay a civil penalty of \$335.58 to the State of Alabama General Fund, and to pay \$164.42 to the Board as administrative cost of this investigation.

Ms. Addie M. Dubose, non-licensee, Nashville, TN, agreed to a consent order that indicated she had paid \$120 to the Board as payment for a dishonored check for a fundamentals of engineering examination and service charge.

Mr. Larry M. Britt, non-licensee, Shiloh, GA, agreed to a consent order that required him to cease and desist the practice of identifying himself with the PE title relative to work performed in the State of Alabama. Mr. Britt further agreed to cease and desist the practice or offer to practice of engineering in Alabama until such time as he receives a license to practice engineering in the State of Alabama, to pay the State of Alabama General Fund a civil penalty of \$967, and to pay the Board \$533 as administrative cost of the investigation.

Mr. Thomas Smithey, non-licensee, Lacey's Spring, AL, agreed to a consent order that required him to cease and desist the offer to practice or practice of land surveying in the State of Alabama and to cease and desist the practice of contacting individuals relative to land surveying services and accepting payments for land surveying services until such time as he receives a license to practice land surveying in the State of Alabama from this Board. Mr. Smithey further agreed to pay a civil penalty of \$2,137 to the State of Alabama General Fund, and to pay \$363 to the Board as administrative cost of this investigation.

No Certificate of Authorization

Mr. Ralph Burks, non-licensee, owner of B & B Engineering & Design, a non-certificated firm, Fairfield, AL, agreed to a Consent Order dated August 29, 2004 in reference to the name of his

company containing the title engineering without employing a licensed Alabama professional engineer and obtaining a certificate of authorization for engineering from this Board and presenting engineering design plans for a project, without the knowledge of the engineer, that were copies of the engineer's design from a previous project. Mr. Burks agreed to remove the title "engineering" firm his firm's name within ninety days, to pay \$2,500 to the State of Alabama General Fund and to pay \$319.06 to the Board as administrative cost of the investigation.

Mr. John J. Hayes, non-licensee, owner of Hayes Engineering LLC, a non-certificated firm, Rainbow City, AL, agreed to a consent order in reference to the name of his company containing the title engineering without employing a licensed Alabama professional engineer and obtaining a certificate of authorization for engineering from this Board. Mr. Hayes agreed to remove the title "engineering" firm his firm's name within ninety days, to pay \$500 to the State of Alabama General Fund and to pay \$299.53 to the Board as administrative cost of the investigation.

Smith's Inc. of Dothan agreed to a Consent Order that required this matter to be public record, to pay a \$1,000 civil penalty to the State of Alabama General Fund, to pay \$265.56 to the Board as administrative cost of this investigation, to cease and desist offering to practice, practicing engineering or identifying itself in any manner with the title "Engineers," or any modification or derivative thereof, until such time as it receives a certificate of authorization for engineering from the Board.

Standards of Practice Violations

Mr. Steven H. Gay, PLS 17522, Clanton, AL, agreed to a consent order for placing his professional seal and signature to a "Special Purpose Survey" that contained violations of the standards of practice for land surveying in the State of Alabama. Mr. Gay agreed to a one year stayed suspension of his license to practice land surveying, one year probation and a fine of \$500 to be paid to the Board.

Mr. Elijah Branton, PLS 13186, Dothan, AL, agreed to a consent order for placing his professional seal and signature to a "Sketch of Boundary Line and Encroachments" dated 2/8/2000 that contained errors and minimum technical standard violations. Mr. Branton agreed to pay a fine of \$1,000 to the Board, his license to practice land surveying in the State of Alabama to be suspended for six months with that suspension stayed and to serve six months probation commencing April 9, 2004.

Mr. Rodney Y. Shiflett, PLS 21784, Columbiana, AL, was found guilty at a formal hearing for failing to provide subpoenaed documents to the Board and for providing a survey and a revised survey of property located in Chilton County, Alabama that contained errors and MTS violations. Mr. Shiflett was ordered to pay a \$3000 fine to the Board, to submit the first 20 surveys he performs in July 2004 to the Board for review, a one-year stayed suspension of his license to practice land surveying and two years probation commencing June 18, 2004.

Mr. Glen A. McCord, PE/PLS 20694, Pine Hill, AL, agreed to a consent order for placing his professional land surveyor seal and signature to a survey dated November 18, 2002 that does not meet the approved standards of practice for land surveying in the

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In Memory Of

The Board has received notice of the deaths of the following licensees and interns:



Professional Engineer					
Francis B. Wingate	993	Herbert S. Hathcock	8544	Carl David Petterson	22959
William L. Samuel	1294	William R. Goode, Sr.	8606	Richard Munro Veazie	22990
Richard Armand Groenendyke	1740	William H. Michie	8657	William Earl Bowers	23902
A. O. White, Jr.	1804	Robert E. Bray	9606	Amy A. Flock	25158
Waldemar S. Nelson	2015	Thomas L. Cost	9807	Robert Francis Wellner	25279
Robert C. Russell	2053	John V. Hodgins	10019	Vladimir Belotserkovskiy	25713
Clem Irvin Wallace	2179	Horton Nuckols	10288		
Merrill R. Cohn	2928	Khim N. Vira	10304	Professional Land Surveyor	
Vincent P. Caruso	2982	Thomas E. Kennedy	11136	Joseph B. Hayes	2133
Bruce Byars	3298	Robert Boyd Harper	11543	James D. Kizziah	3327
Charles C. Thornton	3814	Sargis Sako Safarian	12018	William D. King, III	3511
Stanley W. Solley	4535	Edwin B. Foust	12315	Herschel J. Simmons	3473
Marble J. Hensley	4578	Victor Allen McSwain	12354	Donald R. Arnold	6631
Richard H. Keesling	4603	Stephen T. Blackburn	12570	C. J. Richardson	9225
Russelle R. Lacy	4790	Harold Ray Richardson	12724	James A. Riggins	9428
J. Irvin Godwin	5061	James E. Ferguson, Jr.	12812	Thomas H. Lawson	9981
Warner T. Clark	5166	Harold Frederick Craig	13232	Henry K. McBride	12706
Spiro G. Mastoras	5228	Clayton E. Barrows	13457	Gregory W. Carmichael	19516
Ronald D. Ferdie	5319	Billy Joe Lacey	13486		
Marlyn F. Hester	5475	James M. Delahay	15538	Professional Engineer & Land Surveyor	
Robert F. Schell	5548	Kenneth Wayne Greene	15682	Paul B. Krebs	417
John G. Perrigin	5699	Oktay Guven	16028	James M. Barton	1050
William H. Zehrt	5719	John Oliva Braga	16352	Claude W. Arnold	1276
John A. Haraway	5748	Terry Samuel Hawk	16579	Roy T. Gilbert	2319
Donald A. B. Mills	6023	John Charlie Evans, Jr.	16813	James L. Deverell	3837
James Thomas Moates, Jr.	6026	Charles Stewart Hedges	16923	William T. Hill, Sr.	4415
Leroy D. Hammond	6145	James L. Wells, Jr.	17299	C. B. Carolton, Jr.	5092
Billy W. Parks	6860	Glen B. Smith	17911	Evander E. Peavy	6169
John A. Roberson	7915	Gerald William Alves	19118	John W. Barksdale, Jr.	10680
Marvin E. Harris, Jr.	8043	Terry Lynn Primm	19437		
Frank U. Petcher	8238	John G. Morrison	19994	Engineer Intern	
Robert L. Bellenger	8485	Cynthia Spooner Hanks	20724	Jackson Irvin Hatton	13690
		Gene Klettner King	20824		

Disciplinary Action... *(continued from page 10)*

State of Alabama, he failed to provide agreed upon land surveying services in a timely manner and after agreeing to refund money advanced to him for those surveying services initially provided a check to his client that was dishonored by the Bank. Mr. McCord agreed to pay a \$500 fine to the Board and his license to practice land surveying in the State of Alabama to be suspended for six months with that suspension stayed and to serve six months probation commencing June 18, 2004.

Mr. Thomas S. Mitchell, PLS 22680, Athens, AL, agreed to a consent order that required his license to practice land surveying in the State of Alabama to be suspended for one year with that suspension stayed and to serve one year probation beginning the date the stayed suspension of his license ends. The consent order also required Mr. Mitchell to pay a fine of \$3,000 and to submit thirty surveys prepared between April 14, 2006 and April 14, 2007 to the Board. The surveys will be reviewed for compliance with the applicable standards of practice for land surveying in the State of Alabama.

Complaints	2003	2004	2005	2006 - As of June 9, 2006
<i>Professional Engineers</i>	23	19	24	8
<i>Professional Land Surveyors</i>	30	24	31	10
<i>Unlicensed Engineering</i>	14	10	13	4
<i>Unlicensed Surveying</i>	5	4	2	0
<i>Engineer Intern</i>	1	0	0	5
Total	73	57	70	

Year 2006-2007 Board Meeting Dates

October 12-13, 2006	December 7-8, 2006
February 7-8, 2007	April 12-13, 2007
June 7-8, 2007	August 2-3, 2007
October 11-12, 2007	December 13-14, 2007



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